Removal of Judges on the ground of misbehaviour and incapacity

2610. DR. P. C. ALEXANDER: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government would consider suitable amendment to the Constitution for the removal of Judges of the higher judiciary on grounds of proved misbehaviour or incapacity in view of the failure of the existing provisions of the Constitution for this purpose; and

(b) if so, whether Government would consider including in these amendments a provision for placing under suspension the Judge against whom *prima facie* case has been made out, pending final decision?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) and (b) No Sir. The Government is striving for a consensus for setting up a National Judicial Commission, which would recommend Judicial appointments in the Supreme Court and the High Courts as also draw up a Code of Ethics for Judges.

Failure of FTCs due to shortage of Judges

† 2611. SHRI MOTILAL VORA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) when the Fast Track Courts were constituted and aims thereof;

(b) the number of cases pending in such courts, at present;

(c) whether it is a fact that due to shortage of Judges, these courts have failed in their objectives;

(d) if so, the extent of shortage of Judges and by when this shortage is going to be removed; and

(e) the amount sanctioned for these courts and the names of the States which have shown interest in this direction State-wise?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) Fast Track Court Scheme was launched on the basis of the recommendations made by the Eleventh Finance Commission which were accepted by the Union Government on the 26th July, 2000.

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† Original notice of the question was received in Hindi.

The Fast Track Courts were constituted with the aim of expediting the disposal of long pending sessions cases and cases involving undertrials who have been in jails for a long time.

(b) As on 30th November, 2002, 1,05,255 cases were pending in these courts.

(c) and (d) Appointment of Judges for Fast Track Courts is the primary responsibility of High Courts and the concerned State Government. The Hon'ble Supreme Court in its Judgement dated 6th May, 2002 in the case of Brij Mohan Lal *Vs.* Union of India & Ors. has given directions that steps should be taken within three months to ensure that no vacancies remain in Fast Track Courts.

As on 30th November, 2002,968 Fast Track Courts were functional out of the 1234 courts notified by the States. The Hon'ble Supreme Court in the case of Brij Mohan Lal *Vs.* Union of India & Ors. on 9th December, 2002 has further directed the defaulting States to file their status report and also indicate the period, which they would require for setting up the remaining Fast Track Courts. Minister of Law & Justice has also been addressing periodically, the States & the High Courts for setting up the full number of Fast Track Courts earmarked for the State and making them functional.

(e) A Statement showing the amount released under the Scheme of Fast Track Courts, State-wise and the progress made by the States in setting up Fast Track Courts, and in disposal of cases is given in Annexure *[See* Appendix 197 Annexure No. 25]

Contesting Elections on Fake Caste Certificates

† 2612. SHRI DILIP SINGH JUDEV: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of persons who have fought Lok Sabha and State Legislature Elections in the country on the basis of fake and controversial caste certificates during the last five years;

(b) the number of cases investigated, out of them, and the outcome thereof;

† Original notice of the question was received in Hindi.